

**Meeting of Panel on Constitutional Affairs on 16 June 2003**

**Summary of views of deputations on  
Review of the method for selecting the Chief Executive (CE) under the Basic Law (BL)**

Organizations/individuals (LC Paper No. )	Whether the meaning of "terms subsequent to the year 2007" in para. 7 of Annex I to the BL should cover the third term of office of CE commencing on 1 July 2007	Whether the method for selecting the third term CE should be included in the review of constitutional development to be conducted by the Government in 2004/05	Other comments
1. Dr Linda C L LI Assistant Professor, Department of Public and Social Administration, City University of HK (CB(2)2489/02-03(01))	<p>"Terms subsequent to the year 2007" should refer to the terms subsequent to the term expiring on 30 June 2007, hence including the third term of office of CE commencing on 1 July 2007.</p> <p>The above interpretation is consistent with the address made by Mr JI Pengfei, Chairman of the Basic Law Drafting Committee, at the Third Session of the Seventh National People's Congress (NPC) on 28 March 1990, which explained the legislative intent of BL. The address stated that "in the 10 years between 1997 and 2007, the Chief Executive will be elected by a broadly representative election committee". It is only logical for the 10-year period to refer to the period from 1 July 1997 to 30 June 2007.</p>	The method for selecting the third term CE should be included in the review. This accords with the wish of the majority of people in Hong Kong.	—
2. Dr SING Ming Assistant Professor, Department of Public and Social Administration, City University of HK CB(2)2489/02-03(02))	—	The Administration should proceed immediately with the review and conduct public consultation on constitutional reform, including election of CE and the Legislative Council (LegCo) by universal suffrage by 2007 and 2008 respectively.	Democratization could enhance the degree of acceptance of the Government by the people in Hong Kong and lessen public discontent with the Government.

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3. Hong Kong University of Science and Technology Students' Union (CB(2)2489/02-03(03))	—	A review of constitutional development should be conducted in 2003 to include review of the method for election of CE and LegCo.  CE and LegCo should be elected by universal suffrage by 2007 and 2008 respectively.	Selection of CE by the Election Committee lacks public mandate and support.
4. Hong Kong University Students' Union	—	The Union supports a review of constitutional development to consider election of CE by universal suffrage by 2007.	A democratic constitutional system with full participation of the people could enhance public recognition and acceptance of the Government.
5. The Students' Union of The Chinese University of Hong Kong (CB(2)2489/02-03(04))	—	The Administration should undertake a review immediately for the purpose of election of CE and LegCo by universal suffrage as soon as possible.	Under the existing system of election of CE and Members of LegCo, LegCo cannot effectively monitor the Government and hold principal officials truly accountable to the public.
6. Hong Kong Baptist University Students' Union (CB(2)2467/02-03(03))	—	The Administration should undertake a review on constitutional development immediately.  CE and LegCo should be elected by universal suffrage by 2007 and 2008 respectively.	—

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7.	Hong Kong Federation of Students (CB(2)2489/02-03(05))	—	The Administration should proceed with a review on constitutional development in 2003.  CE and LegCo should be elected by universal suffrage by 2007 and 2008 respectively.	Under the existing undemocratic political system, the Government can act without regard to the wishes of the people.
8.	China Universities Alumni (HK) Association (CB(2)2489/02-03(06))	"Terms subsequent to the year 2007" should not include the third term CE.	The method for selecting CE should only be reviewed after the third term CE has assumed office.	To engage in discussion on amending the method for selection of CE will increase polarization of the community and adversely affect Hong Kong's ability to recover from the present economic downturn.
9.	Tai Po Tertiary Students Association (CB(2)2467/02-03(04))	"Terms subsequent to the year 2007" should not include the third term CE.	—	—
10.	The Democratic Party (CB(2)2467/02-03(05))	"Terms subsequent to the year 2007" should cover the third term of office of CE commencing on 1 July 2007. This is consistent with the explanation given by Mr JI Pengfei at the NPC on 28 March 1990 that BL only prescribed the method for the selection of CE for the 10-year period from 1 July 1997 to 30 June 2007.  According to press reports in May 2003, two former Mainland members of the Basic Law Drafting Committee (Mr WU Jianfan and Mr XU Chongde) had commented to the effect	The method for selecting the third term CE should be included in the review of constitutional development to be conducted in 2004/05.	According to a survey conducted by the Democratic Party in May 2003 covering 1,500 respondents, 65.5% of the respondents considered that the third term CE should be directly elected by universal suffrage.  Democratic development can enhance cohesion of the community and economic recovery.

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		that changes to the method for selecting the third term CE were allowed under the BL.		
11.	The Frontier (CB(2)2489/02-03(07))	<p>Para. 7 of Annex I to the BL allows the method for the selection of the third term CE to be amended.</p> <p>The 10-year period in the address made by Mr JI Pengfei at the NPC on 28 March 1990 should refer to the period from 1 July 1997 to 30 June 2007.</p>	—	<p>Under BL 45, the ultimate aim is the selection of CE by universal suffrage upon nomination by a broadly representative nominating committee. However, nomination by the nominating committee may still lead to "small-circle" election.</p> <p>The mechanism for amending the BL should be established as soon as possible. BL 45 should then be amended to provide for the election of CE by universal suffrage under "one-person-one-vote".</p>
12.	Hong Kong Professional Teachers' Union (CB(2)2489/02-03(08))	—	—	CE and LegCo should be elected by universal suffrage under "one-person-one-vote" in 2007 and 2008 respectively.
13.	The Chinese General Chamber of Commerce (CB(2)2467/02-03(07))	"Terms subsequent to the year 2007" should exclude the third term CE. The method for selecting the third term CE should remain unchanged.	There is no need for the review of constitutional development to include the method for the selection of the third term CE. The Government should focus its attention and efforts on helping Hong Kong recover from the current economic setback.	—

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14.	The Chinese Manufacturers' Association of Hong Kong (CB(2)2489/02-03(09))	"Terms subsequent to the year 2007" should exclude the third term CE. The method for selecting the third term CE should remain unchanged.	There is no need for the review of constitutional development to include the method for the selection of the third term CE.	—
15.	Kowloon East District Liaison Group, Yaumati-Tsimshatsui-Mongkok District Liaison Group and Shamshuipo District Liaison Group of The Chinese General Chamber of Commerce (CB(2)2467/02-03(08))	"Terms subsequent to the year 2007" should exclude the third term CE. The third term CE should continue to be elected by the Election Committee.	There is no need for the review of constitutional development to include the method for the selection of the third term CE. The most urgent task for the Government is to find ways to help Hong Kong recover from the economic setback.	—
16.	Central & Western District Liaison Group, Wanchai District Liaison Group and Hong Kong East District Liaison Group of The Chinese General Chamber of Commerce (CB(2)2467/02-03(09))	"Terms subsequent to the year 2007" should exclude the third term CE. The third term CE should continue to be elected by the Election Committee.	There is no need for the review of constitutional development to include the method for the selection of the third term CE. The most urgent task for the Government is to find ways to help Hong Kong recover from the economic setback.	—
17.	The Hong Kong Chinese Enterprises Association (CB(2)2467/02-03(10))	—	It is not necessary to conduct public consultation on the method for selecting the third term CE at this stage. The most urgent task for the Government is to revive the economy in the wake of the SARS (Severe Acute Respiratory Syndrome) outbreak.	—

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18.	Webb-site.com (CB(2)2467/02-03(11))	"Terms subsequent to the year 2007" should refer to any term subsequent to the term ending in the year 2007, and include the third term of office of CE commencing on 1 July 2007 as 90% of the third term falls after 2007. In addition, this is consistent with the timeframe of Annex II to the BL which allows amendments to the method for forming the fourth term of LegCo (which was to begin in 2007 if not due to the establishment of the Provisional LegCo).	—	Any delay in proceeding with a constitutional reform and election of CE by universal suffrage would have negative impact on the confidence of investors in Hong Kong.
19.	Hong Kong Democratic Development Network  (Mr SUNG Lap-kung) Senior Lecturer, School of Continuing and Professional Education, City University of HK	BL allows the possibility of election of CE by universal suffrage in 2007.	With the successful implementation of "one country, two systems" and the political stability of Hong Kong, a constitutional reform should take place immediately to respond to public demand for direct election of CE by universal suffrage.	—

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(Mr Benny TAI) Associate Professor, Faculty of Law, The University of Hong Kong	<p>Reading the BL in context and in the light of the address made by Mr JI Pengfei at the NPC on 28 March 1990 which referred to a 10-year transitional period after 1997, "terms subsequent to the year 2007" in para. 7 of Annex I to BL should refer to the terms subsequent to the term of office expiring on 30 June 2007. Hence, "terms subsequent to the year 2007" should include the third term of office of CE commencing on 1 July 2007.</p> <p>The above interpretation is also consistent with the timeframe of Annex II which allows amendments to the method for forming the fourth term of LegCo.</p>	—	—
20. 基督徒關注選舉聯席 (CB(2)2467/02-03(12))	The 10-year period referred to by Mr JI Pengfei at the NPC on 28 March 1990 covers only the first and second terms of CE. Hence, the method for selecting the third term CE can be amended.	The review of constitutional development to be conducted in 2004/05 should include the method for selecting the third term CE.	—
21. Hong Kong Political, Economic and Cultural Society (CB(2)2467/02-03(13) & 2638/02-03(08))	"Terms subsequent to the year 2007" should not include the term of office of CE commencing in 2007. Therefore, the method for selecting the third term CE should remain unchanged.	It is not an opportune time to review the method for selecting CE, when the most urgent task for the Government is to expedite the economic recovery of Hong Kong.	—

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22.	Hong Kong New Generation Cultural Association (CB(2)2467/02-03(14) & 2489/02-03(10))	—	The Association supports the Government's timetable to review constitutional development in 2004/05. It objects to any proposal to advance the timing of the review, including the review of the method for selecting CE.	—
23.	YUA Current Affairs Society (CB(2)2467/02-03(15))	—	—	BL 158 provides that the power of interpretation of BL shall be vested in the Standing Committee of NPC. It is not proper for the LegCo Panel on Constitutional Affairs to consult the public on the interpretation of para. 7 of Annex I to BL.
24.	The Association of Hong Kong Health Care Professionals (CB(2)2467/02-03(16))	"Terms subsequent to the year 2007" should not include the term of office of CE commencing in 2007. The method for the selection of the third term CE should remain unchanged.	The review of constitutional development to be conducted in 2004/05 should not include the method for selecting the third term CE. The most urgent task for the Government is to revive Hong Kong's economy after the SARS outbreak.	The review of the method for selection of CE should comply with BL 45, i.e. in accordance with the principle of gradual and orderly progress and in the light of the actual situation in Hong Kong.
25.	New Territories Association of Societies (CB(2)2467/02-03(17))	—	Public opinion on the method for selecting the third term CE might be sought after the Government has released the relevant consultation documents on the review of constitutional development to be conducted in 2004/2005.	A survey conducted by the Association in May 2003 covering 809 respondents indicated that the Government should place priority on addressing the livelihood issues such as unemployment and public health problems.



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26.	Federation of Hong Kong Guangdong Community Organizations Ltd. (CB(2)2467/02-03(18))	The address made by Mr JI Pengfei at the NPC on 28 March 1990 indicated that the method for selecting the third term CE should remain unchanged.	The method for selecting CE for the terms subsequent to the year 2007 should be included in the public consultation on the review of constitutional development to be conducted by the Government in 2004/05.	To engage in public discussion on the method for selecting CE at this point in time will create disputes and conflicts within the community.
27.	Hong Kong Federation of Fujian Associations (CB(2)2467/02-03(19))	—	The Association supports the Government's timetable to review constitutional development in 2004/05. It objects to any proposal to advance the timing of the review, including the review of the method for selecting CE. The Government should now concentrate its efforts on reviving Hong Kong's economy after the SARS outbreak.	—
28.	Federation of Hong Kong Chiu Chow Community Organizations (CB(2)2467/02-03(20))	The address made by Mr JI Pengfei at the NPC on 28 March 1990 indicated that the method for selecting the third term CE should remain unchanged.	The method for selecting CE after 2007 might be included in the review of constitutional development to be conducted by the Government in 2004/05. The Government should now concentrate its efforts on reviving Hong Kong's economy after the SARS outbreak.	—

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29. 葵涌南居民聯會 (CB(2)2467/02-03(21))	—	—	<p>BL already provides the blueprint for constitutional development of Hong Kong. To conduct a review of constitutional development in advance of the timetable set out under BL is objected.</p> <p>To conduct a review of constitutional development with the aim of direct election of CE and LegCo by universal suffrage would cause political disputes and polarize the community, and adversely affect the recovery of the economy from the SARS outbreak.</p>
30. 長沙灣及元州居民協會 (CB(2)2467/02-03(22))	—	There is no necessity to conduct a review of the method for selecting CE in 2004/05. This will lead to political disputes in the community. The Government should concentrate its efforts on reviving Hong Kong's economy.	Public consultation on constitutional development should be conducted in 2006.

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31.	Causeway Bay Association Ltd. (CB(2)2467/02-03(23))	—	<p>The Association is in opposition of conducting public consultation on review of the method for selecting CE at this point in time. The Government should concentrate its efforts on reviving Hong Kong's economy after the SARS outbreak.</p> <p>The Association supports a review of constitutional development to be conducted by the Government in 2004 or 2005.</p>	—
32.	Kowloon Federation of Associations (CB(2)2467/02-03(25))	—	<p>It is not an opportune time to review the method for selecting CE. The most urgent task for the Government is to unite all sectors in reviving and restructuring the economy.</p> <p>The Government should formulate a timetable for the review of constitutional development in 2004 or 2005, under the principle of "gradual and orderly progress". The timetable should be considered in detail by LegCo after the 2004 LegCo elections.</p>	The method for selecting CE should be decided in compliance with the requirements under BL 45.

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33.	The Hong Kong Island Federation (CB(2)2467/02-03(26))	"Terms subsequent to the year 2007" should not include the third term CE. The method for the selection of the third term CE should remain unchanged. This is consistent with the address made by Mr JI Pengfei at the NPC on 28 March 1990.	The Federation supports the Government's plan to conduct a review of constitutional development in 2004/05 but does not consider that the review should include the method for selecting the third term CE.	<p>The Panel on Constitutional Affairs should not conduct public consultation on the interpretation of Annex I to BL on amendments to the method for selecting CE at this stage. This would mislead the public that the Government would advance the timing for the review of constitutional development.</p> <p>Discussion on the subject would also create disputes and conflicts within the community. This would adversely affect the recovery of the economy.</p>
34.	The Nam An (Hong Kong) Association (CB(2)2467/02-03(27))	—	<p>The Association is in opposition of advancing public discussion on the method for selecting CE. The priority task at present is to achieve economic recovery and stability of the community.</p> <p>The timing for conducting a review on constitutional development should be decided by the Government.</p>	—

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35.	The Prose Poem Society of Hong Kong (CB(2)2467/02-03(29))	—	—	It is not appropriate to advance the review of constitutional development, the timing of which should be decided by the Government. The most urgent task for Hong Kong at present is to restructure the economy after the attack of SARS.

Council Business Division 2  
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